

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

PEDRO RIVERA,	)	CV 05-165-M-DWM
a/k/a DENNIS GONZALES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
DON BELL, ROBERT LONG, and	)	
KIM CHRISTOPHER,	)	
	)	
Defendants.	)	
	)	

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United States Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 25, 2006. Plaintiff did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch concluded that:

1. Supplemental jurisdiction over any and all state-law claims should be declined pursuant to 28 U.S.C. § 1367(c)(1) and (4);

2. Rivera's claim that Bell committed perjury by telling him he was not being arrested should be Dismissed with Prejudice;

3. Any claim that Bell violated Rivera's rights under the Fourth Amendment by allegedly making a false statement regarding Rivera's threat against him should be Dismissed with Prejudice;

4. Rivera's claims against Defendants Christopher, and Long should be Dismissed with Prejudice.

5. Any claims against any Defendants not named in the caption of the case, as set forth above, should be dismissed.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt # 5) and I adopt them in full.

IT IS HEREBY ORDERED that:

1. Supplemental jurisdiction over any and all state-law claims are declined pursuant to 28 U.S.C. § 1367(c)(1) and (4);

2. Rivera's claim that Bell committed perjury by telling him he was not being arrested is DISMISSED WITH PREJUDICE;

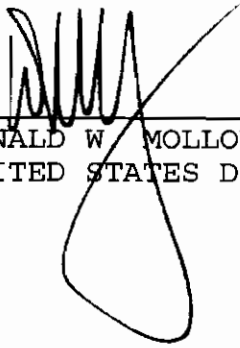
3. Any claim that Bell violated Rivera's rights under the Fourth Amendment by allegedly making a false statement regarding Rivera's threat against him is DISMISSED WITH PREJUDICE;

4. Rivera's claims against Defendants Christopher, and Long

are DISMISSED WITH PREJUDICE.<sup>1</sup>

5. Any claims against any Defendants not named in the caption of the case, as set forth above, are DISMISSED.

DATED this 4th day of October, 2006.



DONALD W. MOLLOY, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

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<sup>1</sup> Judge Lynch's Findings and Recommendations refer to "Wall". This is a typographical error as there is no Wall in the case. (See Findings and Recommendations, ¶ 4, Recommendations).